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Mark A. Hartenstein

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Bachand Law Office
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EXAMINER

PHAM, KHANH B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,327	Applicant(s) HARTENSTEIN ET AL.	
	Examiner Khanh B. Pham	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) 22-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 and 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/7/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 22-29 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- Claim 21 is directed to a user interface for database querying and retrieval, classified in class 715, subclass 968.
- Claims 22-29 are directed to database structure, classified in class 707, subclass 100.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22-29 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 33 recites the limitation "the third plurality of rows" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 21, 30-34** are rejected under 35 U.S.C. 102(e) as being anticipated by Raja (US 2005/0049903 A1), hereinafter “**Raja**”.

7. **As per claim 21**, Raja teaches a computer readable medium for providing a browser with information regarding affiliations (See Figs. 2, 10), the browser operated by a user for accurately collecting time billable to the affiliation comprising:

- “instructions for presenting to the user via the browser a first text box, a first icon, and a view region for displaying a plurality of rows” at [0138]-[0139] and Fig. 10, elements 1001;
- “instruction for receiving from the user via the browser an operation of the text box that specifies a name of an affiliation” at [0138]-[0139] and Fig. 10, “Client ID”;
- “instruction for obtaining first results of a first query of a database in response to receiving from the user via the browser an operation of the first icon, a first limit of the first query being in accordance with the name of the affiliation” at [0138]-[0139] and Fig. 10, “Display Billables” button;

- “instructions for presenting to the user via the browser in the view region a first plurality of rows in accordance with the results, each row presenting a respective portion of the first results and presenting a respective second icon each having functionality in accordance with the respective portion of the first results” at [0138]-[0139] and Fig. 10, element 1007;
- “instruction for obtaining second results of a second query of the database in response to receiving from the user via the browser an operation of the respective second icon of a first row of the first plurality of rows, a plurality of limits of the second query being accordance with the name of the affiliation and the respective portion of the first results presented in the first row” at [0138]-[0139] and Fig. 10, 1002, 1004, 1013;
- “instruction for appending to the presentation in the view region a second plurality of rows in accordance with the second results, each row of the second plurality presenting a respective portion of the second results and presenting a respective third icon” at [0138]-[0139] and Fig. 10, elements 1007, 1023;
- “instruction for beginning an accounting of time presently being spent by the user in association with the respective portion of the second results presented in a second row of the second plurality of rows in response to receiving from the user via the browser an operation of the respective third icon of the second row of the second plurality of rows” at [0138]-[0139] and Fig. 10, “Generate Invoice for selected Rows”;
- “wherein the database provides access by query to a plurality of email messages for the user and respective information for each affiliation” at [0150];

- “each respective information is capable of including a plurality of person record, a plurality of appointment records, a plurality of projects referring to a plurality of task records, and a plurality of account records adjusted in accordance with the accounting time” at Figs. 4, 10.

As per claim 30, Raja teaches the medium of claim 21, wherein “a second limit of the first query is in accordance with the first icon” at [0138]-[0139] and Fig. 10.

As per claim 31, Raja teaches the medium of claim 21, wherein “the first text box comprises a text entry box having a drop down menu for supplying the name of the affiliation” at Fig. 10.

As per claim 32, Raja teaches the medium of claim 21, wherein “the second plurality of rows is appended to the first plurality of rows in the view region” at [0138]-[0139] and Fig. 10.

As per claim 33, Raja teaches the medium of claim 21, wherein “the third plurality of rows is appended to the second plurality of rows in the view region” at [0138]-[0139] and Fig. 10.

As per claim 34, Raja teaches the medium of claim 21, wherein “the second plurality of rows replaced the first plurality of rows in the view region” at [0138]-[0139] and Fig. 10.

Response to Arguments

8. Applicant's arguments filed March 10, 2008 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Regarding claim 21, applicant argued that “check box 1013 does not meet the limitation “obtaining second results of a second query... in response to... an operation of the respective second icon of a first row” at least because check box 1013 does not in any way invoke a query”. The examiner respectfully submits that Raja's check box 1013, in conjunction with "Generate invoice for selected Rows" button 1023, perform a query function of selected rows indicated by checkbox 1013, and therefore anticipate the claimed limitation.

Applicant further argued that Raja does not teach "obtaining second results of a second query of the database in response to receiving from the user via the browser an operation of the respective second icon of the first row of the first plurality of row. On the contrary, Raja teaches at Fig. 10 the “Display Filter” which allows user to modify the search result of a first query by specifying "charge type" 1002 or specifying date range 1004. For example, after changing the date range, pressing the "Display Billables" button generates a second query to obtain a second result based on the filtering criteria specified in 1002 and 1004.

Applicant further argued that Raja does not teach "beginning an accounting of time presently being spent". On the contrary, Raja teaches at Fig. 10 "Total billable amount" value, which corresponds to the claimed "accounting of time presently being spent" .

Applicant further argued that Raja does not teach "receiving from the user via the browser an operation of the respective third icon of the second row of the second plurality of rows". On the contrary, Raja teaches at Fig. 10 a plurality of icons 1013 associated with each rows, each of the icon 1013, in conjunction with "Generate invoice for selected Rows" button 1023, perform a query function of selected rows indicated by checkbox 1013, in response to user selection.

Applicant further argued that Raja does not teach "each respective information is capable of including ... a plurality of account records each adjusted in accordance with the respective accounting of time". On the contrary, Raja teaches at Fig. 10 the "Display Filter" which allows filtering account records based on respective accounting of time (i.e. date range specified at 1004).

Applicant further argued that Raja does not teach "each respective information is capable of including a plurality of person record, a plurality of appointment records, a plurality of projects referring to a plurality of task records, and a plurality of account records adjusted in accordance with the accounting time". The examiner respectfully submit that the term "capable of" does not limit the scope of the claim, any data can be included in the "respective information" , and the claim does not required the "respective information" to include the data recited after "capable of including" .

In light of the foregoing arguments, the 35 U.S.C 102 rejection is hereby sustained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh B. Pham/
Primary Examiner
Art Unit 2166

June 9, 2008